REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended for clarity.

The Examiner has rejected claims 1, 3-8, 13, 15, 16 and 18-20 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,725,461 to Dougherty et al. The Examiner has further rejected claims 9-11 under 35 U.S.C. 103(a) as being unpatentable over Dougherty et al. in view of U.S. Patent 7,000,245 to Pierre et al. In addition, the Examiner has rejected claim 12 under 35 U.S.C. 103(a) as being unpatentable over Dougherty et al. in view of Pierre et al., and further in view of U.S. Patent Application Publication No. 2002/0144291 to Smiley et al. Furthermore, the Examiner has rejected claims 2 and 17 under 35 U.S.C. 103(a) as being unpatentable over Dougherty et al. in view of U.S. Patent 7,373,650 to Rodriguez et al. Finally, the Examiner has rejected claim 14 under 35 U.S.C. 103(a) as being unpatentable over Dougherty et al. in view of U.S. Patent 6,529,233 to Allen.

The Dougherty et al. patent discloses a reminder system for broadcast and non-broadcast events based on broadcast interactive applications, in which an apparatus generates an application data signal. A broadcast receiver, which may be a television, VCR, set-top box or FM radio receiver (col. 7, lines 25-31), also includes a data extractor coupled to the tuner for extracting the interactive application from the broadcast data and provides the extracted interactive application on a bus (Col. 7,

line 46-53). The bus is coupled to a microprocessor which stores, via the bus, the extracted interactive application into a first storage device as instructed by a program stored in a second storage device (col. 7, lines 54-57).

As noted in MPEP § 2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 (and claim 18) includes the limitation "a data storage for separately storing the content signal and the extracted application data". The Examiner has indicated that this limitation is disclosed in Dougherty et al. at col. 8, lines 11-14.

Applicant submits that the Examiner is mistaken. In particular, Dougherty et al. states, at col. 8, lines 11-20:

> "As described below, the microprocessor 210 uses the program stored in the second storage device 214 and the interactive application stored in the first storage device 212 to execute the interactive application and provide an output. The program stored in the second storage device 214 is preferably an execution engine 217 for executing an interactive application defined by various scripts, forms, definitions, and code and graphic resources. A preferred execution engine is the Wink Engine provided by Wink Communications, Inc. of Alameda, Calif."

It should be clear from the above that while Dougherty et al. discloses storing the extracted application data, there is no disclosure or suggestion of "separately storing the content signal and the extracted application data". In fact, Dougherty et al. does not even disclose the storing of the program stored in the second storage device 214, in that at col. 7, lines 62-63, Dougherty et al. specifically indicates that the second storage device 214 is a conventional read-only memory ("ROM").

The subject invention, as claimed in claim 1, further includes the limitation "an application data generator for generating an application data signal by retrieving the stored extracted application data from the data storage separately from the content signal". The Examiner has indicated that Dougherty et al. discloses this limitation at col. 7, lines 46-57.

Applicants submit that the Examiner is mistaken. In particular, Dougherty et al. specifically states:

> "The BR 120 also includes a data extractor 206 coupled to the tuner 202 for extracting the interactive application from the broadcast data 117. In one embodiment, the data extractor 206 is a conventional VBI inband data extraction circuit. In another embodiment, the data extractor 206 is a conventional modem. The data extractor 206 provides a serial bitstream containing the extracted interactive application onto a bus 208.
>
> "The bus 208 is coupled to a microprocessor 210 which stores, via the bus 208, the extracted interactive application into a first storage device 212 as instructed by a program stored in a second storage device 214."

It should be clear from the above that while Dougherty et al. discloses extracting and storing the interactive application,

there is no disclose or suggestion of "an application data generator for generating an application data signal by retrieving the stored extracted application data from the data storage separately from the content signal".

Rather, Dougherty et al., at col. 8, lines 10-13, merely states "the microprocessor 210 uses the program stored in the second storage device 214 and the interactive application stored in the first storage device 212 to execute the interactive application and provide an output". Again, there is no disclosure or suggestion of "an application data generator for generating an application data signal by retrieving the stored extracted application data from the data storage separately from the content signal".

The Pierre et al. patent discloses a system and method for recording pushed data, in which an application data indication of a content signal is modified. However, Applicant submits that Pierre et al. does not supply that which is missing from Dougherty et al., i.e., "a data storage for separately storing the content signal and the extracted application data" and "an application data generator for generating an application data signal by retrieving the stored extracted application data from the data storage separately from the content signal".

The Smiley et al. publication discloses network publication of data synchronized with television broadcasts, in which Advanced Television Enhancement Forum (ATVEF) data is stored at a central receiving site, and access thereto is effected over, for example, the Internet. However, Applicant submits that Smiley

et al. does not supply that which is missing from Dougherty et al. and Pierre et al., i.e., "a data storage for separately storing the content signal and the extracted application data" and "an application data generator for generating an application data signal by retrieving the stored extracted application data from the data storage separately from the content signal".

The Rodriguez et al. patent discloses apparatuses and methods to enable the simultaneous viewing of multiple television channels and electronic program guide content, in which an Out-Of-Band (OOB) channel is provided arguably having a transport protocol different from the channel over which in-band channels are received. However, Applicant submits that Rodriguez et al. does not supply that which is missing from Dougherty et al., i.e., "a data storage for separately storing the content signal and the extracted application data" and "an application data generator for generating an application data signal by retrieving the stored extracted application data from the data storage separately from the content signal".

The Allen patent discloses systems and methods for remote video and audio capture and communication, which include a digital recording device. However, Applicant submits that Allen does not supply that which is missing from Dougherty et al., "a data storage for separately storing the content signal and the extracted application data" and "an application data generator for generating an application data signal by retrieving the stored extracted

application data from the data storage separately from the content signal".

In view of the above, Applicant believes that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicant believes that this application, containing claims 1-18 and 20, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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